

# HOUSE BILL 1062

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By: **Delegates Healey, Ross, Frick, Gaines, Hixson, Howard, Ivey, Stukes, and Walker**

Introduced and read first time: February 17, 2010

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Property Tax Credit – Urban Agricultural Activities**

3 FOR the purpose of authorizing the Mayor and City Council of Baltimore City or the  
4 governing body of a county or of a municipal corporation to grant, by law, a tax  
5 credit against the county or municipal corporation property tax imposed on  
6 certain urban agricultural property; providing for the duration of the credit;  
7 authorizing the county or municipal corporation to provide, by law, for the  
8 amount of the credit and certain other provisions to carry out the credit;  
9 providing for the repayment of certain tax credits under certain circumstances;  
10 defining certain terms; providing for the application of this Act; and generally  
11 relating to a local property tax credit for urban agricultural property.

12 BY adding to

13 Article – Tax – Property

14 Section 9–252

15 Annotated Code of Maryland

16 (2007 Replacement Volume and 2009 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Tax – Property**

20 **9–252.**

21 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
22 **MEANINGS INDICATED.**

23 **(2) “URBAN AGRICULTURAL PROPERTY” MEANS REAL PROPERTY**  
24 **THAT IS:**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   (I)    AT LEAST ONE-EIGHTH OF AN ACRE AND NOT MORE  
2 THAN 2 ACRES;

3                   (II)   LOCATED IN A PRIORITY FUNDING AREA, AS DEFINED  
4 IN § 5-7B-02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

5                   (III) USED EXCLUSIVELY FOR URBAN AGRICULTURAL  
6 PURPOSES.

7                   (3)    “URBAN AGRICULTURAL PURPOSES” MEANS:

8                   (I)    CROP PRODUCTION ACTIVITIES, INCLUDING THE USE OF  
9 MULCH OR COVER CROPS TO ENSURE MAXIMUM PRODUCTIVITY AND MINIMIZE  
10 RUNOFF AND WEED PRODUCTION;

11                  (II)   ENVIRONMENTAL MITIGATION ACTIVITIES, INCLUDING  
12 STORMWATER ABATEMENT AND GROUNDWATER PROTECTION;

13                  (III)  COMMUNITY DEVELOPMENT ACTIVITIES, INCLUDING  
14 RECREATIONAL ACTIVITIES, FOOD DONATIONS, AND FOOD PREPARATION AND  
15 CANNING CLASSES;

16                  (IV)  ECONOMIC DEVELOPMENT ACTIVITIES, INCLUDING  
17 EMPLOYMENT AND TRAINING OPPORTUNITIES, AND DIRECT SALES TO  
18 RESTAURANTS AND INSTITUTIONS; AND

19                  (V)   TEMPORARY PRODUCE STANDS USED FOR THE SALE OF  
20 PRODUCE RAISED ON THE PREMISES.

21                  (B)   THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE  
22 GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION MAY  
23 GRANT, BY LAW, A TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL  
24 CORPORATION PROPERTY TAX IMPOSED ON URBAN AGRICULTURAL PROPERTY.

25                  (C)   (1)  EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
26 SUBSECTION, A TAX CREDIT UNDER THIS SECTION SHALL BE GRANTED FOR 5  
27 YEARS.

28                  (2)   (1)  IF THE MAYOR AND CITY COUNCIL OF BALTIMORE  
29 CITY OR THE GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL  
30 CORPORATION GRANTS A TAX CREDIT UNDER THIS SECTION, THE JURISDICTION  
31 GRANTING A TAX CREDIT SHALL EVALUATE THE EFFECTIVENESS OF THE  
32 CREDIT AFTER 3 YEARS.

1                   **(II) IF THE JURISDICTION GRANTING THE TAX CREDIT**  
2 **DETERMINES THAT THE TAX CREDIT IS INEFFECTIVE IN PROMOTING URBAN**  
3 **AGRICULTURE, THE JURISDICTION GRANTING A TAX CREDIT MAY TERMINATE**  
4 **THE TAX CREDIT.**

5                   **(III) THE JURISDICTION GRANTING A TAX CREDIT UNDER**  
6 **THIS SECTION MAY EXTEND THE TAX CREDIT FOR AN ADDITIONAL 5 YEARS.**

7           **(D) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE**  
8 **GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION MAY**  
9 **PROVIDE, BY LAW, FOR:**

10                   **(1) THE AMOUNT OF THE TAX CREDIT UNDER THIS SECTION;**

11                   **(2) ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT**  
12 **UNDER THIS SECTION;**

13                   **(3) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND**  
14 **UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND**

15                   **(4) ANY OTHER PROVISION NECESSARY TO CARRY OUT THE**  
16 **CREDIT UNDER THIS SECTION.**

17           **(D) AT ANY TIME DURING THE PERIOD FOR WHICH A PROPERTY TAX**  
18 **CREDIT UNDER THIS SECTION IS GRANTED FOR URBAN AGRICULTURAL**  
19 **PROPERTY, IF THE PROPERTY CEASES TO BE USED FOR URBAN AGRICULTURAL**  
20 **PURPOSES, THE OWNER OF THE PROPERTY SHALL BE LIABLE FOR ALL**  
21 **PROPERTY TAXES THAT WOULD HAVE BEEN IMPOSED IF A PROPERTY TAX**  
22 **CREDIT FOR URBAN AGRICULTURAL PROPERTY HAD NOT BEEN GRANTED.**

23           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 June 1, 2010, and shall be applicable to all taxable years beginning after June 30,  
25 2010.